

## REMARKS

Claims 1 - 11 were examined. Two claims were amended to make clear that they are not governed by §112, ¶6. Accordingly, claims 1 – 11 are pending.

### **A. Claims Rejected Under 35 U.S.C. §102(b)**

The Examiner has rejected claims 1 – 3 and 5 – 10 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,574,166 Gritton. (Gritton). Applicant respectfully traverses these rejections.

The Examiner holds Gritton discloses Applicant's claim 1 at column 3 – 6, and exhibited in figures 1 and 2. A claim is anticipated only if each and every element of the claim is disclosed by the reference. Gritton lacks Applicant's *means for eliminating*, after a predetermined training period, all echo cancellors that produce a cancellation signal below a predetermined threshold. As an initial matter, the citation to substantially the entire detailed description fails to give Applicant adequate guidance as to how the Examiner is interpreting the reference when applying it to the claims as required by MPEP 707.07(d). Nevertheless, Applicant has closely reviewed the cited sections of Gritton and has been unable to discern any relevant teaching in this regard. Rather, at most Gritton disclosed adapting the rate at which adaptive echo cancellers can adapt based on a position in the topology. Gritton fails to teach elimination of the echo cancellers in any context much less as a result of a cancellation signal below a predetermined threshold. Hence, Gritton does not disclose all elements of Applicant's claim 1, and therefore the Examiner is respectfully requested to withdraw this rejection for at least this reason. In the event the Examiner maintains this rejection, it is respectfully requested that the Examiner specifically identify what in Gritton corresponds to this element of Applicant's claim.

Since dependent claims contain all the limitations of their parent claim, the Examiner is requested to withdraw the rejection to dependent claims 2 and 3 for at least the reasons pertaining to independent claim 1.

Independent claims 5 and 8 contain similar limitations of claim 1, and the Examiner is respectfully requested to withdraw these rejections for at least the reasons pertaining to claim 1.

Dependent claims 6, 7, and 9 - 11 contain the limitations of their respective parent independent claims, and the Examiner is respectfully requested to withdraw these rejections as well.

**B. Claims Rejected Under 35 U.S.C. §103(a)**

The Examiner has rejected claims 4 and 11 under 35 U.S.C. 103(a) as being unpatentable over Gritton in view of well known prior art. Applicant respectfully submits claims 4 and 11 include limitations that are not disclosed or suggested by the cited references, individually or in combination.

Regarding claim 4, the Examiner agrees Gritton fails to disclose Applicant's graphical user interface for allowing a user to alter the predetermined threshold, and applies MPEP 2144.03 that it was well known in the art to provide such a limitation. Notwithstanding this assertion with which Applicant disagrees, as argued previously, Gritton fails to disclose all elements of Applicant's invention. Therefore, combining Gritton with what was well known in the art would not cure the deficiencies in Gritton. Further, the Applicant respectfully requests that the Examiner provide evidence demonstrating that the alleged facts are capable of instant and unquestionable demonstration as being well known in the art. Absent such a showing, the Examiner's assertion without a citation to a reference cannot stand. Hence, the Examiner is respectfully requested to withdraw this rejection for at least these reasons.

Claim 11 contains similar limitations with claim 4. The Examiner is respectfully requested to remove these rejections for at least the reasons discussed above as well.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1 - 11, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

  
Susan M. Barrette

3/9/06  
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